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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,978	09/20/2000	A. Maxwell Eliscu	46983/101	8336
26371	7590	12/22/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			KRAMER, JAMES A	
		ART UNIT		PAPER NUMBER
				3627

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PLV

Office Action Summary	Application No.	Applicant(s)
	09/666,978	ELISCU, A. MAXWELL
	Examiner	Art Unit
	James A. Kramer	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9/2/04.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19, 25-29, 31-35, 37, 40- 43, 46 and 48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19, 25-29, 31-35, 37, 40- 43, 46 and 48 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 25-29, 31-35, 37, 40- 43, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBrun in view of Anderson.

LeBrun teaches an image based document processing and information management system for converting paper documents in to electronic data and electronic images and managing the transactions initiated by those documents (column 1; lines 8-12).

LeBrun teaches the first objective is to capture data so that it can be electronically stored by transmittal to a host computer. This data pertains to accounts payable or other business information (column 1; lines 17-23). The system of LeBrun includes a Capture Management Subsystem and a Storage Management Subsystem (reference column 15). Examiner notes these subsystems represent a means for aggregating paper-based and electronic commercial transaction data (Capture Management Subsystem) to a central server computer (Storage Management Subsystem).

LeBrun also teaches an Application Subsystem which communicates with the Storage Management Subsystem via network (column 17; lines 9-16). The Application Subsystem is used by an end user to extract data from the Storage Subsystem (e.g. column 22; lines 1-15).

Examiner notes the Application Subsystem represents a means for displaying commercial transaction information at a user interface at a remote device.

LeBrun further teaches capturing “white mail” or ancillary data for storage and/or display (column 9; lines 53-57). LeBrun teaches the support of customer inquiries received by mail or phone. In processing the customer inquiries, graphics images are retrieved and presented to a clerk who serves those inquires upon demand (column 22; lines 40-45). Examiner notes that the clerk in this case represents the external user, who is capable of accessing the image data in order to facilitate the managing and/or maintenance of the commercial transaction data.

LeBrun does not specifically teach displaying information on a user interface at a remote device to access, manage, modify, maintain and conclude transactions.

Anderson teaches a system and method for paying bills electronically. In particular a user submits a pre-authorization form which is scanned in and saved as permanent reference information (column 7; lines 39-45). After this process the user can utilize the public switched telephony network to view, access and complete transaction (pay bills) (e.g. column 7; lines 12-17 and column 8; lines 1-25).

This process is done to lower administrative costs (column 1; lines 50-52). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of LeBrun to provide users access via the public switch telephony network to modify, access and complete transactions as taught by Anderson, in order to lower the administrative costs associated with the clerks of LeBrun.

Response to Arguments

Examiner has withdrawn the finality of the Office Action mailed 7/14/04 and hereby makes this action Final.

Applicant's arguments filed 9/2/04 have been fully considered but they are not persuasive.

Motivation to combine

Applicant asserts that there is no motivation to combine because LeBrun and Anderson are complete and functional without each other. Examiner believes that it is a requirement that each patent be complete and be able to function on its own. Therefore it is inherent in any rejection under 35 U.S.C. 103 that utilizes more than one reference, that the references will be complete and able to function without the other. This is not a relevant argument for lacking motivation to combine the references.

Applicant further asserts that there is no discernible reason why the system of Anderson would have utility for the system of LeBrun. However, this is not the point of the rejection. Examiner is modifying LeBrun to further include the teaching of Anderson. Therefore, Examiner merely need to show a discernible reason why the system of LeBrun would need to be modified to include the teachings of Anderson. Of which Examiner has stated in the rejection above.

Reasonable Expectation of Success

Applicant respectfully disagrees with Examiners motivation to combine. However, Examiner believes that Applicant is once again missing the point of the rejection. Examiner merely uses Anderson to illustrate the use of the telephony network. There is more than enough reason to assume that a LeBrun combined with the telephony network would be successful.

Teach or Suggest All the Claim Limitations

Applicant disagrees that Anderson teaches a system and method for paying bills electronically over a network to view, access and complete transactions. Examiner notes that while the specific embodiment of Anderson teaches a touch tone system, it also includes any telephony network system as well as other telephony network equivalents.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak

Michael Cuff 12/20/04
MICHAEL CUFF
PRIMARY EXAMINER